

F-6912

#12



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Herbert WEGNER et al.  
Serial No. : 09/806,216 *Apr. 125, 2001*  
Filed : ~~March 27, 2001~~  
Title : DEVICE FOR GENERATING AN AEROSOL  
Group Art Unit : (Not yet known)  
Examiner : (Not yet known)

Certificate of Mailing Under 37 CFR 1.8

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Frank J. Jordan  
(Name)

  
(Signature and Date)

02/19/03

Assistant Commissioner  
for Patents  
Washington, D.C. 20231

**PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT BASED ON FAILURE TO RECEIVE  
OFFICE ACTION UNDER MPEP 711.03(c) II**

Sir:

This will confirm that Counsel received a telephone call from Examiner Charles S. Bushey on or about July 31, 2002 wherein Examiner Bushey indicated that an Office Action dated July 17, 2002 had been issued and he inquired as to whether a response had been filed. Applicant never received an Official Action dated July 17, 2002 and the first time that applicant became aware that an Official

Action had been issued was during the aforementioned telephone conversation with Examiner Bushey.

Applicant has since received an Official Notice of Abandonment dated January 31, 2003 on February 3, 2003.

It is respectfully requested that the Patent Office grant this Petition to withdraw the holding of abandonment and that the Patent Office mail to applicant a copy of the Official Action dated July 17, 2002.

A search of the Counsel's file jacket and docket records indicate that the Official Action of July 17, 2002 was not received. Attached hereto as Exhibit A is a copy of a page from applicant's docket book where the non-received Office Action dated July 17, 2002 would have been entered had it been received and docketed. Thus, the response to the Official Action dated July 17, 2002 would have been due October 17, 2002 and the enclosed docket record shows that there is no entry on this date for F-6912 which is applicant's docket number for this instant application Serial No. 09/806,216.

Applicant enters on the front of each file folder the due date for responding to all Office Actions. Enclosed is a copy of the front of the file folder for Serial No.

09/806,216 and it will be seen that there is no entry for the due date of October 17, 2002.

It is believed that the above supports Counsel's statement that the Official Action dated July 17, 2002 was not received. In view of the above, granting of the Petition and withdrawal of the Notice of Abandonment is respectfully requested. Since the Notice of Abandonment was issued through no fault of applicant, in fairness and in equity, it is believed that applicant should not have to pay a Petition fee. Nevertheless, if a Petition fee is required, please charge to Deposit Account 10-1250. Please charge any additional fees in connection with this application to Deposit Account 10-1250.

Respectfully submitted,

Jordan and Hamburg LLP

By



Frank J. Jordan

Reg. No. 20,456

Attorney for Applicants

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FJJ/cj

Enc. Copy of applicant's docket book showing entries made before and prior to October 17, 2002

Copy of the outer cover page of applicant's file for U.S. Serial No.  
09/806,210

S. Nat'l St.

PCT/EP99/09464 filed Dec. 3, 1999

F-6912

Patent No.

Granted



Applicant Albert WEGNER et al.

Ser. No. 091806,216

Group 1704

Filed March 27, 2001 April 25, 2001

Room \_\_\_\_\_

For Device for Generating An Aerosol

Drawings \_\_\_\_\_ Sheets Executed \_\_\_\_\_

Forwarded \_\_\_\_\_

Allowed \_\_\_\_\_ Allowance Notice Sent \_\_\_\_\_

Final Fee Sent \_\_\_\_\_ Receipt for Final Fee \_\_\_\_\_

Patent Delivered to \_\_\_\_\_

Assignee GEA Finnab GmbH

Assignment Forwarded \_\_\_\_\_

Recorded 4/27/01 Reel 011787 Frame 042

Assignment Returned \_\_\_\_\_

Delivered Assignee \_\_\_\_\_

Foreign German Pat. App. No. 298 21 687.6 filed Dec. 5, 1998

S.N.

Appl. Due - June 5, 2001

Decl. Due - April 27, 2001

Response Due - Sept. 28, 2001

711.03 C If

1156.02.53 11-16-03

Applicant's Residence \_\_\_\_\_

Rec'd from Bruns  
(B)

Post Office Address \_\_\_\_\_

299233/Ha

*October 2002*

Oct. 16	F-3446	5207438	S. Sato	Mitsubishi
Oct. 16	F-3446	500516	Turkada CBH	416191 O.A.Due (1-mo.)
Oct. 16	F-10821	01771704	Kanosaka CBH	O.A.Due (1-mo.)
Oct. 16	F-7029	0918651829	Iontoda CBH	O.A.Due (1-mo.)
Oct. 16	F-3425	0718161386	HUBNER CBH	MAIN.T.FEE DUE w/SURCHARGE (1-mo.)
Oct. 16	F-7477		Busse FJ	1DS & accuracy
Oct. 16	F-7059	091902001	Seiko FJ	Issue Fee Due
Oct. 16	F-6937	091829353	Yamamoto CBH	Issue Fee & Pub.Fee
Oct. 16	F-7020	091868027	Okada CBH	ISSUE FEE
Oct. 16	F-6624	091655511	Saito CBH	FEE OA Due Final
Oct. 16	TM1282	2,239,968	CBH	ON CALL CLEANTAPP FREQ. ON REC.PEG. 7/8
Oct. 16	F-6702	091758283	YOSHIMURA CBH	O.A.
Oct. 16	F-6716	0917161398	Watanuki CBH	HFR to report O.A.

To report O.A.  
C/L 10/21/02

newal w/surcharge due 11/11  
reduction Due (instructed)

Pay Maint Fee (Due 11/14)  
Issue Fee

Delivery Due

O.A. Due  
Invoext (aff filed 8/29) FINAL  
Eng. trans. due 10/14/02  
Supp. & Del. NOT ACT  
Supp. & Del. NOT DATE

O.A. (1 mo. Ext.)

HFR to report O.A.

CBT to report O.A.  
HFR to report O.A. final

CBT to report O.A.  
HFR to report O.A. final

Oct. 17	Thu - 140	1732918	MATSUMURA	
Oct. 17	F-4712	548862	Sakata Sotoku CBH	Trans. completed
Oct. 17	F-4748	545762	Kishinou	CBH 7pm. main. pos
Oct. 17	F-4812	545862	Bardelle	CBH 7pm. main. pos
Oct. 17	F-4833	548849	Buse	FU 7pm. main. pos
Oct. 17	F-6021	549193-5344	Sinkyo	FJJ Rape. Trans. completed
Oct. 17	F-7045	091880-447	Langue	FJJ OA 11am
Oct. 17	F-16045	09	Parase	FJJ OA Done
Oct. 17	F-16895	09	Siwa	FJJ OA Done
Oct. 17	F-16531	091809-009	Kubota	CBH OA
Oct. 17	F-17558	091509-225	Tonya	CBK Appeal Board (2-mo-ext)
Oct. 17	F-16474	091509-225	Bonza	FJJ CBH HR to report OA
Oct. 17	F-16755	091730-231	Bardelle	CBH
Oct. 18	F-16702	091706-933	BP	TOKYO
Oct. 18	F-16842	091707-459	Herb.	Seiko
Oct. 18	F-16335	09143476	Sak	Shukaku
Oct. 18	F-16209	1254369	H.K. Andersen	CBH
Oct. 18	F-4529	5497968	Turkido	CBH
Oct. 18	F-7477	0900	Rouse	FJS
Oct. 18	F-3524	1122381	Akematsu	CBH
Oct. 18	F-3524	1122381	Watanuki	CBH
Oct. 18	F-1072	1122381	Yamada	CBH
Oct. 18	F-1072	1122381	Yamada	CBH